

**PUBLIC MEETING
December 28, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m. Commissioner Derek Brown and Commissioner Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Kelly Blake, K. Paul Stahl, Dean Retz, Mark Simonich, Art Pembroke, Rebecca Shaw, Laura Erikson, Michael McHugh, Cheryl Green, Carole Byrnes, Rocky Infanger, M. C. Beeby, B.J. Young, Glenn Hayes, Teach Elrod, Tom Stevison, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-361 Declaring County Property Surplus Property. (Amy Reeves)
- b. Selective Traffic Enforcement Program (STEP) Contract #2011-02-06-25 for FFY 2011 Between Lewis & Clark County and Montana Dept. of Transportation in an Amount not to Exceed \$9,000 (Tammy Potter)
- c. Disposal of Records Request from Treasurer, Clerk & Recorder (Paulette DeHart)
- d. Montana Safe Routes to School Program FY2012 Application for Warren School Path in the Amount of \$200,000. (Rebecca Shaw)
- e. Montana Safe Routes to School Program FY2012 Application for Bike/Walk Education Campaign Project in the Amount of \$30,575. (Laura Erikson)
- f. Letter of Intent Between Lewis & Clark County and Innoprise Software, Inc. to Use Innoprise Software, Inc. Applications. Contract Amount: \$97,492 Annually for a Total of \$487,460 over a 5-Year Period Beginning July 1, 2011. (Art Pembroke)
- g. Resolution 2010-362 Establishing the 2011-2012 Fire Season and Related Burn Permits and Fees for Lewis and Clark County. (Art Pembroke)
- h. Resolution 2010-363 Ordering a Refund of Taxes/Fees/Assessments Paid by Phillip Johnson in the Amount of \$364.06. (Cheryl Green)

Eric Bryson reported on the consent action items and recommended approval.

The two Safe Routes to Schools Program contracts were explained by staff. Funding comes from the Montana Department of Transportation.

The Innoprise Software contract was reviewed by Art Pembroke. Over the next five years the company will help the county to migrate toward new web-based technology. The Letter of Intent is a commitment by the county to look at the system for a \$45,000 deposit over the next 60-90 days.

Art Pembroke discussed the new Burn Permit fees.

No public comments were received.

Commissioner Hunthausen moved approval of the consent agenda and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Requested Rate Increase for the Wolf Creek/Craig Fire Service Area. (Carrie Severson)
(Cont'd. from 12/21/10). Decision.

Carrie Severson stated that the fire department requested \$80,000 total generation of revenue. Three proposed rate structures were reviewed: (1) \$95 annual assessment generates \$80,000; (2) \$80 annual assessment generates \$70,400; and (3) \$75 annual assessment generates \$64,300. The rates were based upon the value of structures, both personal and real estate properties that the Department of Revenue has taxing jurisdiction over.

Commissioner Hunthausen moved approval of the \$80 rate scale for the Wolf Creek/Craig Fire Service Area. Commissioner Brown seconded the motion for discussion.

Commissioner Murray stated that since the fire department falls short of their request he encouraged them to come back next year or the year after and ask for an inflationary increase.

The motion carried 2-1. Commissioner Brown supported the \$64,300 assessment.

Cancellation of Agreement to Improve Public Roads (Frontier Builders). (Eric Bryson)
Frontier Builders requests that the Commission agree to formally terminate the Agreement.

Eric Bryson reported that Frontier Builders has requested that the Commission take action and cancel the current road agreement that was executed on March 3, 2008. They have a new application that was deemed sufficient and complete and they intend to move forward with a new development that is different than the expired preliminary plat approval.

Deputy County Attorney Paul Stahl stated this is legal since any contract can be amended or terminated.

Alice Hinshaw, Hinshaw Law Firm for Frontier Builders. The agreement interferes with his ability for financing, and to proceed with his business matters. She recommended that the county formally terminate this agreement and allow Frontier Builders to proceed under the same laws and the same restrictions as any other builder -- a proportionate share of improvements.

Glenn Hayes stated he has resubmitted a new development plan which is before the Planning Board.

No other public comments were received.

Commissioner Brown moved to cancel the agreement. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Request for Extension of Subdivision Improvements Agreement for Lot 2A Krause Acres Subdivision. (Planner: Michael McHugh) (Applicants: Tom and Phyllis Stevison)

Michael McHugh presented the staff report. The applicants have requested an extension of the subdivision improvements agreement to December 31, 2011. A letter of credit in the amount of \$100,845 is on file for additional work on the stormwater drainage plan, wastewater treatment system, and improvements to Park Lane.

Dean Retz, 155 All Sports Court, Project Manager for the applicants. The improvements are 95 percent completed.

Tom Stevison, 3900 Trauffer Avenue, explained that his bank letter was over-credited to be certain everything would be completed without further delay.

No public comments were received.

Commissioner Brown moved approval of the request for extension. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Request to Modify Condition of Approval 7.B. (Road Improvements to Park Lane) for Lot 2A Krause Acres Subdivision. (Planner: Michael McHugh) (Applicants: Tom and Phyllis Stevison)

Michael McHugh presented the staff report. The applicants have requested modification to condition 7.b. Today the commission may take action to consider whether to take further action to schedule a public hearing date for a formal presentation.

No public comments were received.

Commissioner Hunthausen moved to allow staff to schedule a public hearing on the modification request. Commissioner Brown seconded the motion. The motion carried 3-0.

Weed Board Appointments. Carole Byrnes reported there are two terms that will expire at the end of this year, Doug Ritchie representing the Birdseye area and Tom Thompson representing the West Valley area. Both board members have indicated they would like to both remain on the board. One application from Dennis Milburn who resides in the Birdseye area was received.

Commissioner Brown moved to appoint Dennis Milburn from the Birdseye area since the county has a written policy limiting board service to two terms or six years. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Commissioner Brown moved that Mr. Thompson may continue to serve on the board indefinitely until an appointment is made. Commissioner Hunthausen seconded the motion. The motion carried 2-1. Commissioner Murray opposed the motion.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 10:07 a.m.


LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board